

REMARKS

Applicants have received and carefully reviewed the Final Office Action mailed March 8, 2007. Claims 1, 38, 40, 42, and 44-51 remain pending, with all other claims cancelled without prejudice. Reconsideration and reexamination are respectfully requested.

The specification has been amended to correct a typographical error. No new matter has been added.

Applicants have made several amendments to the claims. The following paragraphs are intended to illustrate that entry of these amendments is believed to be appropriate even after receipt of a Final Office Action.

With respect to the above amendment to claim 1, the previous office action did not state any “prior art” rejection of the claim. Applicants believe that an amendment narrowing the range of voltages to the about 800- to 2000-volt range, a range the Examiner noted in the rejection, is permissible even after a Final Office Action. In particular, if the broader claim was not rejected in reliance on a prior art reference, further searching would not be necessary to allow the narrower claim. Applicants have also amended claim 1 to more clearly state the range.

With respect to the amendments to claim 38, there are two parts. First, a recitation from claim 44 has been incorporated to now limit the shape of the housing to one with a curve along a longitudinal axis. The Office Action cites rounded off corners on an ICD canister to show anticipation. This amendment is believed to overcome any such rejection. Further, because the amended phrase was already searched in conjunction with other pending claims, it is believed that entry of this amendment after a Final Office Action would not raise additional issues or require a new search. A latter portion of the claim has also been amended to clearly indicate that the 3-volt limitation would be applied to induce fibrillation. The Office Action cites an induction circuit disclosed in a cited reference, making it clear that the Examiner had either already identified induction as the purpose of the 3 volts, or that the distinction was or would be considered non-limiting by the Examiner. As such, this amendment for clarity is believed to be appropriate for entry.

Claim 46 has been amended to modify the voltage range in similar fashion as occurred with claim 1, and to add the “longitudinal axis” limitation that was added to claim 38. For the reasons stated above, each of these amendments is also believed to be proper for entry.

Claim 47 has been amended to correct a typographical error.

Claims 48, 49 and 51 have been amended to add the “longitudinal axis” limitation that was added to each of claims 38 and 46. For the reasons stated above, each of these amendments is believed to be proper for entry.

Withdrawn claim 52 has been cancelled without prejudice.

In Paragraph 2 of the Final Office Action, claims 1 and 46 were objected to under 35 U.S.C. §112, second paragraph. The rejection was directed to the use of a range of 3 Volts to 2000 Volts. The Examiner identified a range of about 800 volts to 2000 volts that was supported in the original disclosure. In light thereof, Applicants have modified claims 1 and 46 to recite the range identified by the Examiner. Therefore it is believed that the rejection is overcome.

In Paragraph 4 of the Office Action, claims 49 and 51 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,385,574 to Hauser et al. Each claim has been amended to now recite, “the housing being curved along a longitudinal axis,” a structure not shown in the rounded-off corners of the canister in Hauser et al. Therefore it is believed that the rejection is overcome relative to each of claims 39 and 51.

In Paragraph 6 of the Office Action, claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hauser et al. in view of U.S. Patent No. 5,643,323 to Kroll et al. Claim 38 also now recites a housing being curved along a longitudinal axis, while only the rounded corners of Hauser et al. have been shown. In light thereof, it is believed that this amendment overcomes the outstanding rejection.

In Paragraph 7 of the Office Action, claims 46-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hauser et al. in view of U.S. Patent No. 5,215,081 to Ostroff. As with the other rejections, claim 46 has been amended to recite a housing being curved along a longitudinal axis, a structure not shown in the rounded-off corners Hauser et al. In light thereof, it is believed that this amendment overcomes the outstanding rejection.

In Paragraph 8 of the Office Action, claim 48 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hauser et al. in view of U.S. Patent No. 5,709,709 to Kroll. Again, claim 48 has been amended to recite a housing being curved along a longitudinal axis, a structure not shown in the rounded-off corners of Hauser et al. In light thereof, it is believed that this amendment overcomes the outstanding rejection.

In Paragraph 10 of the Office Action, claims 1 and 46-47 were rejected under the judicially created doctrine of obviousness-type double patenting. Applicants submit herewith a Terminal Disclaimer that overcomes this rejection.

Applicants would like to thank the Examiner for indicating allowability of claims 40, 42, 44-45 and 50, as indicated in Paragraph 11 of the Office Action.

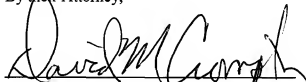
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Gust H. Bardy et al.

By their Attorney,

Date: 5/2/07



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